

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 L-03 CIAE-00 COME-00 DODE-00

DOT-00 FMC-01 INR-07 NSAE-00 CG-00 OFA-01 DLOS-04

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC PRIORITY 2682

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E.O. 11652: N/A

TAGS: EWWT, CS

SUBJECT: SHIPPING: COSTA RICAN DISCRIMINATION IN COLLECTING
SAILING DUES

REF: STATE 19677

1. INCREASED PORT CHARGES ARE IN EFFECT ALTHOUGH
APPARENTLY U.S. MERCHANT VESSELS HAVE NOT YET HAD OCCASION
TO PAY THEM. U.S. MERCHANT VESSEL IS DUE CALL PUNTARENAS
THIS WEEKEND.

2. PORT CLEARANCE (ZARPE) CHARGES REFERRED TO REFTTEL
ARE FORMALLY DESIGNATED AS MUNICIPAL TAXES BASED ON
GROSS TONNAGE OF FOREIGN-FLAG VESSELS, AUTHORIZED BY
COSTA RICAN LEGISLATIVE ASSEMBLY IN SEPARATE DECREES
FOR PORT CITIES OF LIMON AND PUNTARENAS. THEHKECREES
WHICH ESTABLISH IDENTICAL RATES FOR FOREIGN VESSELS
WERE PUBLISHED ON NOVEMBER 29, 1975 FOR LIMON AND ON
JANUARY 7, 1976 FOR PUNTARENAS. BOTH DECREES PROHIBIT
PORT CAPTAINS FROM AUTHORIZING CLEARANCE FOR FOREIGN-
FLAG VESSELS WHICH HAVE NOT PAID THE MUNICIPAL TAX.

3. APPARENTLY NO U.S. FLAG MERCHANT VESSEL HAS
YET PAID THE INCREASED PORT CHARGES, ALTHOUGH LOCAL
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AGENTS FOR BOTH PRUDENTIAL LINES (SERVING PUNTARENAS)

AND DELTA LINES (LIMON) EXPECT TO BE CHARGED THE INCREASED FEES NEXT TIME THEIR SHIPS USE PORTS. THE NEXT DELTA LINE SHIP IS DUE AT LIMON MARCH 2-3; AND PRUDENTIAL LINES' SEA JET SCHEDULED CALL PUNTARENAS THIS WEEKEND, FEB. 2-3.

4. WE UNDERSTAND GRAN COLOMBIANA LINE VESSEL PAID INCREASED FEES AT PUNTARENAS THIS WEEK.

5. LOCAL AGENTS OF U.S. SHIPPING LINES CLAIM PORT CLEARANCE CHARGES HAVE NEVER BEEN ASSESSED ON COSTA RICAN FLAG VESSELS, ALTHOUGH THEY HAVE BEEN LEVIED ON FOREIGN FLAG VESSELS FOR SEVERAL YEARS. HOWEVER, IN THE PAST, CHARGES HAVE BEEN NOMINAL--ACCORDING TO DELTA AGENT 250 COLONES (APPROXIMATELY \$30) CONTRASTED WITH 1,250 COLONES (APPROXIMATELY \$146) FOR SAME VESSEL UNDER INCREASED FEES.

6. GIVEN SMALL NUMBER OF COSTA RICAN FLAG VESSELS OF SUBSTANTIAL TONNAGE IN COMPARISON TO NUMBER OF FOREIGN FLAG VESSELS USING COSTA RICAN PORTS, OUR INVOKING EQUAL TREATMENT CLAUSE OF FCN TREATY COULD LEAD GOCR TO APPLY SAME CHARGES TO COSTA RICAN FLAG VESSELS, RESULTING IN NO RELIEF FROM INCREASED CHARGES FOR U.S. SHIPPING. NOTE ALSO THAT COSTA RICAN LAW AUTHORIZING ESTABLISHMENT NAMUCAR EXEMPTS SHIPS OF MULTI-NATIONAL LINE FROM ALL TAXES. PRESUMABLY EXEMPTION WOULD INCLUDE THESE CHARGES SINCE THEY ARE TREATED IN DECREES AS MUNICIPAL TAXES AND NOT PORT CHARGES PER SE.

7. COPIES BOTH DECREES AIR POUCHED EB/TT/MA.
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